

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEREMY PINSON, et al.,  
Plaintiffs,  
v.  
J. FRISK,  
Defendant.

Case No. [13-cv-05502-VC](#)

**ORDER FOR RESPONSE FROM  
DEFENDANT**

Re: Dkt. Nos. 68, 75

Plaintiffs are federal prisoners who filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 alleging the violation of their constitutional rights by Defendant J. Frisk, an officer at Pelican Bay State Prison in California. On September 18, 2014, the Court issued an order to show cause re: vacating plaintiffs' *in forma pauperis* ("IFP") status, directing Frisk to file a brief, pursuant to 28 U.S.C. § 1915(g), addressing whether plaintiffs are precluded from proceeding IFP in this action and, if so, whether this case should be dismissed. On October 7, 2014, Frisk filed his response to the order to show cause and, on October 27, 2014, plaintiffs filed their opposition.

The Court now orders Frisk to file a reply addressing the following: (1) whether mere allegations in a complaint that the plaintiff risks imminent harm are sufficient to defeat denial of IFP status; (2) whether Frisk may submit evidence to counter the allegations in the complaint about the risk of harm; and (3) whether the evidence Frisk has submitted in response to the allegations about the risk of imminent harm is admissible and sufficient. Frisk may also submit any additional evidence available that he believes counters the plaintiffs' allegations about their imminent risk of harm. Also in this reply, Frisk should respond to the motion filed by the

plaintiffs to declare 28 U.S.C. § 1915(g) unconstitutional. This combined brief should not exceed 20 pages in length, and should be filed within 28 days of the date of this order.

**IT IS SO ORDERED.**

Dated: December 12, 2014



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VINCE CHHABRIA  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.


That on 12/12/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jeremy Pinson ID: 16267-064  
Medical Center for Federal Prisoners  
PO Box 4000  
Springfield, MO 65801-4000

Mikeal Stine ID: 55436-098  
U.S. Penitentiary ADX  
P.O. Box 8500  
Florence, CO 81226

Dated: 12/12/2014

Richard W. Wieking  
Clerk, United States District Court

By:   
Kristen Melen, Deputy Clerk to the  
Honorable VINCE CHHABRIA